

Applicant: Robert M. Carmichael
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Amendment to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

CLAIM 1 (currently amended) A dive marker, comprising:

a buoyant body member having at least three an outer side surfaces, at least a portion of each of said outer side surfaces containing dive flag indicia, said at least three outer side surfaces defining an opening extending from a bottom end of said buoyant body member to a top end of said buoyant body member, ~~said body member including a bladder portion;~~

~~a valve in communication with said bladder portion;~~

~~wherein upon proper inflation of said bladder portion a majority of the outer surface of said body member containing dive flag indicia expands outward; and~~

means for maintaining said body member in a substantially vertical orientation at water surface level.

CLAIM 2 (currently amended) The dive marker of claim 1 wherein said means for maintaining comprises ~~is~~

an inflatable post member having at least top area disposed within or approximate to said opening defined by the at least three outer side surfaces of said buoyant body member; and

a weight member; and

a weight holder, said weight holder attached to a lower area end of said body inflatable post member, said weight member maintained in position by said weight holder.

CLAIMS 3-4 (canceled)

CLAIM 5 (currently amended) The dive marker of claim 18 wherein said valve is a "no-lock" valve.

CLAIM 6 (currently amended) The dive marker of claim 18 further including an "overpressure" relief valve in communication

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with said buoyant body member ~~bladder portion~~.

CLAIM 7 (currently amended) A dive marker assembly, comprising:

an inflatable body member ~~upper portion~~ having at least three ~~inflatable~~ outer sides surfaces and having dive indicia disposed on at least a portion of each an outer side surface, said at least three outer side surfaces defining an opening extending from a bottom end of said inflatable body member to a top end of said inflatable body member ~~of each of said at least three inflatable outer sides;~~

a buoyant post member having at least top area disposed within or approximate to said opening defined by the at least three outer side surfaces of said inflatable body member;

an underwater externally accessible weight receiving pocket attached at a lower portion of said buoyant post member; and

a weight member disposed within said weight receiving pocket
~~means for maintaining at least a majority of said inflatable upper portion above water surface level.~~

CLAIM 8 (currently amended) The dive marker assembly of claim 7 wherein said inflatable body member ~~upper portion is a triangularly shaped member having three outer sides defining an interior area and~~ having an first inflation mechanism in communication with an interior area of said inflatable body member therewith, said triangularly shaped member provided with dive flag indicia on each outer surface.

CLAIM 9 (currently amended) The dive marker assembly of claim 8 wherein said ~~means for maintaining is a~~ buoyant post member centrally attached to said inflatable body member ~~triangularly shaped member~~ within the opening interior area defined by the at least three outer side surfaces ~~sides~~.

CLAIM 10 (canceled)

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CLAIM 11 (currently amended) The dive marker assembly of claim 9 wherein said post member is inflatable and has a second inflation mechanism in communication with an interior area of said post member.

CLAIM 12 (currently amended) A dive marker assembly, comprising:

an inflatable vane assembly having indicia disposed on an outer surface; and

means for maintaining at least a majority of said inflatable vane assembly above water surface level;

wherein said means for maintaining is an inflatable platform and a shaft member, said platform attached to said shaft and said vane assembly disposed at one end of said shaft; and

a light assembly having a light bulb and power source, said light bulb disposed at or approximate to a top end of said shaft member

wherein said platform is independent from said inflatable vane assembly.

CLAIM 13 (canceled)

CLAIM 14 (currently amended) A dive marker assembly, comprising:

a vane assembly having a plurality of vanes, at least one of said plurality of vanes having indicia disposed on an outer surface; and

a platform; ~~and~~

a shaft member, said platform attached to said shaft and said vane assembly disposed at one end of said shaft; and

a light assembly having a light bulb and power source, said light bulb disposed at or approximate to a top end of said shaft member.

CLAIM 15 (original) The dive marker of claim 14 wherein each

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of said plurality of vanes is inflatable.

CLAIM 16 (original) The dive marker of claim 14 wherein said platform is inflatable.

CLAIM 17 (original) The dive marker of claim 15 wherein said platform is inflatable.

CLAIM 18 (new) The dive marker of claim 1 wherein said buoyant body member is inflatable and includes a valve in communication with an interior area of said body member.

CLAIM 19 (new) The dive marker of claim 18 wherein upon proper inflation of said inflatable body member a majority of the at least three outer side surfaces of said body member containing dive flag indicia expand outward.

CLAIM 20 (new) The dive marker of claim 2 wherein when said post member is inflated a lower portion of said post member is disposed underwater by said weight member and an upper portion of said post member maintains at least a majority of said body member above water surface level.

CLAIM 21 (new) The dive marker of claim 2 wherein said weight holder is an externally located weight receiving pocket attached to an outer lower portion of said post member.

CLAIM 22 (new) The dive marker of claim 7 wherein when assembled a lower portion of said post member is disposed underwater by said weight member and an upper portion of said post member maintains at least a majority of said body member above water surface level.

CLAIM 23 (new) A dive marker, comprising:

a buoyant body member having at least three outer side surfaces, at least a portion of each of said outer side surfaces containing dive flag indicia, said at least three outer side surfaces defining an opening extending from a bottom end of said buoyant body member to a top end of said buoyant body member;

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a substantially inverted pyramid shaped member attached to a lower end of said buoyant body member such that a majority of said buoyant body member is maintained above water surface level;

an externally located weight holder attached to a lower end of said substantially inverted pyramid shaped member; and

a weight member maintained by said weight holder.

CLAIM 24 (new) The dive marker of claim 23 wherein said buoyant body member is inflatable and includes a valve in communication with an interior area of said body member.